

### REMARKS

This responds to the Office Action mailed December 19, 2002. Claims 1 and 5-8 were rejected under section 102 as anticipated by U.S. Patent No. 5,290,269 to Heiman (the "Heiman patent"). Claims 1-8 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,615,460 (the "Weirich patent").

Heiman is directed to a knit terry fabric having both hydrophobic and hydrophilic characteristics. The Heiman reference teaches the use of hygienic panels for washable, reusable incontinent pads and diapers.

Figure 8 of the Heiman reference shows:

(1) hydrophobic yarn 50 (textured polyester) extending upwards from the first side of the ground portion 27, and

(2) hydrophilic yarn 52 (100% spun cotton) extending downwards from the second side of the ground portion 27.

In Heiman, the structure is specifically designed to separate the first set of hydrophobic yarns upon one side from a second set of hydrophilic yarns positioned upon the opposite side of the structure. Heiman specifically provides a top, hydrophobic surface portion in contact with the patient's body. The bottom portion, on the other hand, comprises of hydrophilic yarn which serves to wick fluid away from the center ground portion 27 towards the hydrophilic yarn. In this way, separation of the hydrophilic yarn and hydrophobic yarn from each other, and into separate "zones" or areas,

facilitates in the management of urine incontinence. See text at columns 7-8 of Heiman.

In the invention, however, a plurality of receiving loops are oriented on the first side of a substrate. A plurality of stiff loops are provided as well, the stiff loops including at least one stiff filament extending from the same (i.e. first) side of the substrate. The receiving loops and the stiff loops are of different denier. The denier of the stiff filament has a denier per filament of at least about 10 denier per filament greater than the receiving filament of the receiving loops. There is no teaching in Heiman that would provide such a structure. In fact, Heiman teaches away from a structure having both yarn types on the same side of the substrate. Heiman teaches separating hydrophobic and hydrophilic yarns upon opposite sides of the substrate.

Weirich teaches a female component for a refastening device having an elastomeric adhesive backing and a multiplicity of fibrous elements extending from the backing. Figure 6 of Weirich shows female components 22 with catching regions 37. Shirred filaments 36 are held on an elastomeric adhesive backing 34. The "nonwoven web 30 may comprise filaments 36 having similar or different deniers and lengths," according to the Weirich patent. Column 9, lines 25-26. However, no such different denier levels are taught or suggested, and thus Weirich merely provides a "concept" of different deniers in such filaments, without any disclosure or detail as to how such structures would be made, or employed.

The invention specifically employs a base substrate having two sets of loops. First, a plurality of receiving loops extend from the first side of the base substrate. Second, a set of stiff loops extend from the substrate. The stiff loops include at least one stiff filament extending from the first side of the base substrate, having a denier per filament of at least about 10 denier per filament greater than the receiving filament of the receiving loops. This structural limitation is not present in Weirich, and thus there is no anticipation of the invention.

Furthermore, the invention is not obvious in light of Weirich. There is no motivation in Weirich or in any cited reference that would counsel in favor of providing an express difference in denier that is at least about 10 denier. Absent an express teaching in a reference, or other suggest for such a markedly different degree of fineness, there is no basis for finding obviousness of the invention as claimed.

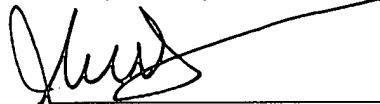
It is believed that the above claims patentably define over the prior art record and that the application is in complete condition for allowance. Should any issues remain after consideration of this Amendment, however, the Examiner is invited and encouraged to telephone the undersigned at his convenience.

**Fee Authorization:** In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes

the Commissioner to withdraw those fees from our Deposit Account No. 04-0500.

**Extension of Time:** In the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

Respectfully submitted,

  
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